

AUG 11 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

JIANBIN WANG,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-76593

Agency No. A95-442-982

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted August 7, 2006^{**}

Before: SCHROEDER, Chief Judge, REINHARDT and HAWKINS, Circuit Judges.

Respondent's unopposed motion to dismiss this petition for review for lack of jurisdiction in part and summarily deny it in part is granted. *See* 8 C.F.R.

§ 1003.38(b) (stating that an appeal must be filed with the Board of Immigration

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

05-76593

Appeals within 30 days of the Immigration Judge's decision); *Da Cruz v. INS*, 4 F.3d 721, 722 (9th Cir. 1993) (holding that the time to file an appeal with the Board of Immigration Appeals is mandatory and jurisdictional).

DISMISSED in part and DENIED in part.